

# Exhibit 2

David B. Ross, M.D., Ph.D., M.B.I.

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF TENNESSEE  
3                   NASHVILLE DIVISION  
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5       KATRINA DAWN COPLEY,                                 :   Civil Action No.  
6               Plaintiff,   :   3:14-cv-00406  
7       v.   :  
8       BAYER HEALTHCARE   :  
9       PHARMACEUTICALS, INC., BAYER                         :  
10      PHARMA AG, and BAYER OY,                                 :  
11               Defendants.   :

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16                   VIDEOTAPED DEPOSITION OF

17                   DAVID B. ROSS, M.D., Ph.D., M.B.I.

18                   Baltimore, Maryland

19                   Friday, April 8, 2016

20                   9:00 a.m.

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24       Reported by: Linda S. Kinkade RDR CRR RMR CSR

\* \* \*

1 FDA?

2 A. Yes.

3 Q. And did you know him personally?

4 A. Yes.

5 Q. Did you know him to be dedicated at the  
6 FDA to patient safety from your experience with  
7 him?

8 A. I'm -- it was almost 20 years ago, so  
9 bear with me. The only -- to be honest with you,  
10 the only -- and, again, this is 20 years ago. I  
11 had started there in '96. He was the office  
12 director at the microbial office.

13 The only conversation I remember being part  
14 of with him is one in which he pointed out that the  
15 manufacturer of thalidomide, which is a drug, as we  
16 all know, that's associated with severe birth  
17 defects, had never admitted that the drug caused  
18 birth defects despite overwhelming evidence. I  
19 will say that in 2012 the successor company, which  
20 I believe was Grunenthal, did finally admit that  
21 thalidomide was associated with that adverse event.

22 Q. Let me -- I don't want to take us on a  
23 detour. Was he senior to you at the FDA when you  
24 were there together, Dr. Feigal?

1 A. Yes.

2 Q. Was he -- did you -- were you in a  
3 reporting chain with him?

4 A. Yes.

5 Q. How direct was the reporting chain?

6 A. It was a couple levels removed.

7 Q. So he was a couple levels above you at  
8 the FDA, Dr. Feigal was?

9 A. Yes.

10 Q. Did you ever, given your experience with  
11 him, have reason -- well, strike that.

12 You understand that the FDA is a consumer  
13 protection agency.

14 A. Among other functions, yes.

15 Q. Yes. And that its job is on behalf of  
16 the United States federal government to regulate  
17 the safety and efficacy of -- of drugs.

18 A. That is its statutory mission.

19 Q. Did you ever have concern about, based  
20 on your experience with Dr. Feigal, about his  
21 dedication to performing those missions?

22 MS. HORNER: Objection to form. I  
23 believe he said he doesn't remember much.

24 MR. SCHMIDT: Please don't coach.

1 THE WITNESS: I -- I can't -- I can't  
2 recall any specific issues. Again, this was a long  
3 time ago.

4 BY MR. SCHMIDT:

5 Q. Have you come across him since other  
6 than in this case?

7 A. There's a previous case in which we were  
8 retained by counsel for different sides on a case.

9 Q. I've marked as Exhibit -- what was that  
10 case?

11 A. That was Wendell versus  
12 Johnson & Johnson, Teva Pharmaceuticals and Abbott,  
13 I believe.

14 Q. What was the product or the drug  
15 involved in that case?

16 A. Well, there were multiple products.  
17 There was Remicade, Humira and 6-mercaptopurine.

18 Q. Were you testifying on behalf of the  
19 plaintiffs or defendants?

20 A. Plaintiffs.

21 Q. How many times have you testified on  
22 behalf of plaintiffs, either by preparing a report  
23 or giving a deposition or testifying at trial?

24 MS. HORNER: Objection to form.

\* \* \*

David B. Ross, M.D., Ph.D., M.B.I.

1 C E R T I F I C A T E

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3 I, LINDA S. KINKADE, Registered Diplomate  
4 Reporter, Certified Realtime Reporter, Registered  
5 Merit Reporter, Certified Shorthand Reporter, and  
6 Notary Public, do hereby certify that prior to the  
7 commencement of examination the deponent herein was  
8 duly sworn by me to testify truthfully under  
9 penalty of perjury.

10 I FURTHER CERTIFY that the foregoing is a  
11 true and accurate transcript of the proceedings as  
12 reported by me stenographically to the best of my  
13 ability.

14 I FURTHER CERTIFY that I am neither counsel  
15 for nor related to nor employed by any of the  
16 parties to this case and have no interest,  
17 financial or otherwise, in its outcome.

18 IN WITNESS WHEREOF, I have hereunto set my  
19 hand and affixed my notarial seal this 11th day of  
20 April 2016.

21 My commission expires: July 31, 2017

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24 NOTARY PUBLIC IN AND FOR  
THE DISTRICT OF COLUMBIA